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Minor Federal Government Regulatory Agencies

Kathleen Klepfer

University of Richmond, kklepfer@richmond.edu

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MINOR FEDERAL GOVERNMENT REGULATORY AGENCIES

KAT KLEPFER

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Rick McKinney's "Federal Administrative Law: A Brief Overview" is a succinct and helpful place to find information about rulemaking, common administrative law statutes, and the major administrative agencies. But what about those unsung heroes, the minor regulatory agencies whose necessity—and sometimes purpose—are lost to history? We propose this addendum to Rick's article to give a couple of these minor agencies their due.

THE BOARD OF TEA APPEALS

If government spending on bizarre regulation "leaves" a bad taste in your mouth, give a cheer for Representative Scott Klug, who managed to accomplish what Presidents Nixon, Carter, and Clinton could not: eliminating the surprisingly persistent United States Board of Tea.¹

The slapdash manner in which the Sons of Liberty dumped tea in Boston Harbor clearly begged for a more formal bureaucratic process for destroying tea. In the uncontrolled years between the Boston Tea Party and the Tea Importation Act of 1897, attempts at regulating the quality of tea at the port of entry were foiled by shipping rejected tea to Canada and trying again at another port.² The power to set standards—and destroy

¹ Karen De Witt, "Tea, But No Sympathy, for the Tasters," *N.Y. Times*, September 26, 1995, <http://www.nytimes.com/1995/09/26/nyregion/tea-but-no-sympathy-for-the-tasters.html>.

² H. R. Rept. No. 54-3029 (1897).

rejected tea when the experts detected mold or adulteration—gave the U.S. Board of Tea power over the importation of tea leaves for 99 years.³

The Board lasted until 1996, after which it was repealed via the Federal Tea Tasters Repeal Act of 1996.⁴ After pointing out that “[t]ea is the only food or beverage for which the Food and Drug Administration (FDA) samples every lot upon entry for comparison to a standard recommended by a federal board,”⁵ the bill passed without discussion.⁶

THE U.S. BOARD ON GEOGRAPHIC NAMES (BGN)⁷

Anyone who has had to learn the names of a classroom full of children, or survived a journey through central Pennsylvania,⁸ knows full well that the naming of monuments or geographic locations should not be left to individual taste.⁹ To that end, the U.S. Board on Geographic Names

³ Find yourself needing to research old legislative history? Take a look at “Compiling a Federal Legislative History from Older Records,” in Richard J. McKinney & Ellen Sweet, “Federal Legislative History Research: A Practitioner’s Guide to Compiling the Documents and Sifting for Legislative Intent,” <http://www.llsdc.org/federal-legislative-history-guide>.

⁴ Federal Tea Tasters Repeal Act of 1996, Pub. L. No. 104-128, 110 Stat. 1198 (1996).

⁵ H. R. Rept. No. 104-467 (1996). Confused by all this talk of regulation? Curious about how the FDA regulates tea now? See Richard J. McKinney, “A Research Guide to the Federal Register and the Code of Federal Regulations,” <http://www.llsdc.org/fr-cfr-research-guide>, for more information on researching federal regulations.

⁶ 142 Cong. Rec. S2838 (daily ed. Mar. 25, 1996).

⁷ The United States Board on Geographic Names, <http://geonames.usgs.gov/>.

⁸ The advent of the BGN might have served Pennsylvania well if it had been founded earlier, to provide a much-needed “we already have one of those” voice to the state’s tendency to name towns after places that already exist: California, Dallas, Germany, Houston, Indiana, Japan, Jersey Shore, Mars, Moon, Moscow, and Scotland, to name a few.

⁹ The BGN is so tiny it doesn’t even rate a listing on the A-Z Index of U.S. Government Departments and Agencies, which is conveniently linked at: Richard McKinney, “Federal Administrative Law: A Brief Overview,” <http://www.llsdc.org/assets/sourcebook/fed-admin-law.pdf> [<https://perma.cc/75M9-MRU8>]. This is only because it falls under the U.S. Geologic Survey.

has been protecting citizens from themselves since 1890.¹⁰ Before its foundation, official names were a hodgepodge of local determinations, bizarre spellings, and the occasional federally-recognized territory.¹¹

More importantly, the BGN administers the Geographic Names Information System (GNIS),¹² which allows the public to locate official place names and submit suggestions for official names.¹³ Despite the U.S. Geological Survey's motto, "Science for a Changing World," the BGN is a refreshingly uncontroversial agency.¹⁴

¹⁰ Donald Orth & Roger L. Payne, *Principles, Policies, and Procedures: Domestic Geographic Names* (1997), available at http://geonames.usgs.gov/docs/pro_pol_pro.pdf. It even has a policy on name duplication: "[n]ames proposed for unnamed geographic features that duplicate another name in the State or nearby in an adjoining State will not normally be approved by the U.S. Board on Geographic Names."

¹¹ President Harrison's Executive Order of September 4, 1890 created what was likely the understatement of the year when he said, "it is desirable that uniform usage in regard to geographic nomenclature and orthography obtain throughout the Executive Departments of the Government, and particularly upon the maps and charts issued by the various Departments and bureaus."

¹² Geographic Names Information System, <http://geonames.usgs.gov/apex/f?p=gnispq>.

¹³ The author submits, as direct evidence that "trolls" existed before the Internet, that there are no less than 27 places officially named "Nameless" by the USGS. The author also highly recommends searching for your own name in the database. You may have better luck than the author. See, e.g., Geographic Names Information System, Feature Detail Report for: Klepfer Cemetery, http://geonames.usgs.gov/apex/f?p=gnispq:3::NO::P3_FID:437375.

¹⁴ Unless, of course, you are a fan of President McKinley. The recent name change from Mount McKinley, the tallest mountain in North America, to its traditional name Denali, fell a bit under the radar last September. Jon Campbell, "Old Name Officially Returns to Nation's Highest Peak," Sept. 1, 2015, 5:15 PM, http://www.usgs.gov/blogs/features/usgs_top_story/old-name-restored-to-nations-highest-peak/?from=title.